IN THE HIGH COURT OF UTTARANCAL AT NAINITAL

Review Application No. 5479 of 2004
In
Writ Petition No. 808 of 2004 (M/B)

Naseem Ahmed,
S/o Sri Banda Hasan,
R/o Village Sultanpur-Adampur,
Tehsil Laksar, District Haridwar. …… Petitioner

Versus

Collector, Haridwar & others.

Mr. Alok Singh, learned senior counsel on behalf of the petitioner.
Mr. K.P. Upadhyaya, learned Brief Holder for the State.

Coram: Hon. V.S. Sripurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. Alok Singh, learned senior counsel appearing on behalf of the petitioner and Mr. K.P. Upadhyaya, learned Brief Holder on behalf of State.

2. We are not inclined to entertain this review application, in which, the review of our earlier judgment dated 26.08.2004 is sought. Learned senior counsel Mr. Alok Singh says that in the judgment that we have passed, the earlier Government Order dated 3.07.1990 has been ignored and in fact, there still remains a right in the Gram Sabha, by passing a Resolution, to allot the shop in favour of a particular person.

3. We have seen the said Government Order bearing No. F-3967/29 Foods 6 and we are of the clear opinion that the Collector's power to grant the shop, which was already there, has not been tinkered with in that Government Order and that there will be no primacy in favour of the Gram Sabha Resolution.

4. In that view, we do not find any reason to entertain this review application and it is, accordingly, dismissed.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
27.09.2004 **27.09.2004**

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